

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Chris Wallace/797-1050

SUBJECT: Resolution

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2001 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR THE PURPOSE OF TRANSPORTATION EXPENDITURES.

REPORT IN BRIEF:

This interlocal agreement is the second one with Broward County. It provides funding for the Town's mass transit expenditures.

PREVIOUS ACTIONS:

Council approved the FY2001 agreement with the County.

CONCURRENCES:

Requires execution by the County.

FISCAL IMPACT:

Has request been budgeted? not applicable

Additional Comments: not applicable

RECOMMENDATION(S):

Motion to Approve Resolution

Attachment(s):

Resolution

2001 Amendment to Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2001 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR THE PURPOSE OF TRANSPORTATION EXPENDITURES.

WHEREAS, on June 14, 1988, the Broward County Board of County Commissions approved a 30 year extension of the six cent Local Option Gas Tax.

WHEREAS, it is necessary that the Town of Davie approve the execution of the attached Interlocal Agreement between Broward County Fifth Cent Additional Local Option Gas Tax on Motor Fuel, contingent upon the recommendation for approval by the Town Attorney.

WHEREAS, Broward County and eligible municipalities, including the Town of Davie now desire to levy a fifth cent of the Additional Local Option Gas Tax on Motor Fuel for the purpose of transportation expenditures.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Mayor, Town Administrator, and Town Attorney are hereby authorized to execute the Interlocal Agreement with Broward County, attached hereto as Exhibit "A", contingent upon review and approval of the Town Attorney.

SECTION 2. This resolution shall take effect immediately upon its passage and approval.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001

2001 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF DAVIE

providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM
THE BROWARD COUNTY FIFTH CENT ADDITIONAL
LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

2001 AMENDMENT
to
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THE BROWARD COUNTY FIFTH CENT ADDITIONAL
LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

This 2001 Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

TOWN OF DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "TOWN."

WITNESSETH:

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the counties to extend the levy of five (5) cents local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 13, 2000, the Board of County Commissioners enacted Ordinance No. 2000-25, effective January 1, 2001, through December 31, 2031, pursuant to Section 336.025(1)(b), Florida Statutes, extending the levy of the fifth-cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to said Ordinance, the method for distribution of the proceeds is the execution of an Interlocal Agreement with one or more of the municipalities representing a majority of the population of the incorporated area within the County which establishes the distribution formulas for dividing the proceeds of the tax among the County and all eligible municipalities within the County; and

WHEREAS, paragraph 4 of the Interlocal Agreement, requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to Section 336.025(1)(b), Florida Statutes, for transportation expenditures set forth in Section 336.025(7)(a), Florida Statutes, the COUNTY and TOWN agree as follows:

1. Paragraph 2 of the Interlocal Agreement, is hereby amended to read as follows:

2.1 Forty-eight percent (48%) of said proceeds shall be distributed to the COUNTY. The remaining fifty-two percent (52%) shall be distributed to the eligible municipalities in the following manner:

2.1.1 Twenty-six percent (26%) shall be distributed to the eligible municipalities based on population as follows:

Population of Individual City

Total incorporated area Population X 26.0000%

<u>City</u>	<u>Population</u>	<u>FY 2002 Percent Share</u>
Coconut Creek	43,566	0.749911%
Cooper City	27,939	0.480920%
Coral Springs	117,549	2.023395%
Dania Beach	20,061	0.345314%
Davie	75,720	1.303384%
Deerfield Beach	64,583	1.111681%
Fort Lauderdale	154,437	2.658356%
Hallandale	34,282	0.590103%
Hillsboro Beach	2,163	0.037232%
Hollywood	139,357	2.398781%
Lauderdale-by-the-Sea	2,563	0.044117%
Lauderdale Lakes	31,705	0.545745%

Lauderhill	57,585	0.991223%
Lazy Lake	38	0.000654%
Lighthouse Point	10,767	0.185335%
Margate	53,909	0.927947%
Miramar	72,739	1.252072%
North Lauderdale	32,264	0.555367%
Oakland Park	30,966	0.533024%
Parkland	13,835	0.238145%
Pembroke Park	6,299	0.108426%
Pembroke Pines	137,427	2.365560%
Plantation	82,934	1.427560%
Pompano Beach	85,932	1.479165%
Sea Ranch Lakes	1,392	0.023961%
Southwest Ranches	7,106	0.122317%
Sunrise	85,779	1.476532%
Tamarac	55,588	0.956848%
Weston	49,286	0.848370%
<u>Wilton Manors</u>	<u>12,697</u>	<u>0.218556%</u>
Total	1,510,468	26.000000%
Unincorporated area	112,550	
Total County	1,623,018	

The population figures set forth above are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on an annual basis by the Bureau of Economic and Business Research, Population Division, of the University of Florida. The population figures to be utilized in the formula described in this section, for the distribution of the Fifth Cent, shall be adjusted annually based on the current Florida Estimates of Population.

2. This 2001 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population have executed this Interlocal Agreement prior to June 1, 2001.
3. In the event this 2001 Amendment to Interlocal Agreement or a portion of this 2001 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or TOWN elects to terminate this Agreement. The election to terminate this

Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

4. All provisions of the Interlocal Agreement, not in conflict with this 2001 Amendment to Interlocal Agreement, shall remain in full force and effect.
5. This 2001 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this 2001 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the ____ day of _____, 20____, and TOWN, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and Ex-Officio
Clerk of the Board of County
Commissioners of Broward County,
Florida

By _____
Chair

____ day of _____, 20____.

Approved as to form by
Office of County Attorney
Broward County, Florida
EDWARD A. DION, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____
Assistant County Attorney

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AND TOWN OF DAVIE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE
PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL
OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

TOWN

WITNESSES:

TOWN OF DAVIE

By _____
Mayor-Commissioner

____ day of _____, 20____.

ATTEST:

By _____
Town Clerk

Town Manager

____ day of _____, 20____.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Town Attorney

CSW:sj
4/18/01
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